

REMARKS:

It is respectfully noted that the previous Response to Office Action filed on November 27, 2006 added new claims 32-39. It appears that the Examiner did not take notice of claim 39. For the purposes of this Response, it will be assumed that claim 39 was also rejected in a similar manner to the other claims and based on the same cited prior art.

On April 23, 2007, the undersigned agent had a telephone conference with the Examiner, at which time the below arguments were presented. At that time, the Examiner stated that the arguments appeared to be persuasive and indicated that a formal Response should be filed.

The Examiner rejected claims 1, 2, 4-10, 12-17, 21-29 and 31-38 under 35 U.S.C. §102(e) as being anticipated by Alanara (U.S. Patent No. 6,119,002). This rejection is respectfully disagreed with and is traversed below.

Independent claim 1 recites:

1. A method of evaluating a base station without missing a digital control channel paging frame, comprising:

receiving a first paging frame from a digital control channel transmitted by a first base station;

initiating a timing sequence after receiving said first paging frame;

prior to completion of the initiated timing sequence, scanning for system parameters from a digital control channel of at least one second base station; and

receiving a second paging frame from the digital control channel transmitted by said first base station. (emphasis added)

The emphasized elements are of interest in considering the rejection of claim 1 based on Alanara. Note that the recited method comprises receiving two paging frames. Further note that the recited method comprises receiving two paging frames from a same digital control channel

transmitted by a same base station.

In the Final Office Action dated March 9, 2007, the Examiner refers to six portions of Alanara, three in the Examiner's Response to Arguments Section (p. 2 of the Final Office Action) and three in the §102(e) rejection of claim 1 (pp. 2-4 of the Final Office Action). These six cited portions of Alanara will be considered separately below (Sections A-F).

For purposes of brevity, and as utilized by Alanara, a digital control channel will be referred to below as a DCCH. Similarly, an analog control channel will be referred to below as an ACC.

(A) ALANARA – ABSTRACT

The Abstract of Alanara mentions the word "digital" twice. The context of the first instance is with reference to a potential use of Alanara's invention ("to detect the availability of a digital control channel"). The second instance is in the context of an exemplary embodiment of Alanara. Specifically, the Abstract states: "if the repeat was received without error, tunes the receiver to receive another control channel, either another ACC from a neighboring cell, or a [DCCH]." At most, the Abstract may be seen to disclose receiving **once** from a DCCH. That is, there is no disclosure or suggestion of "receiving a first paging frame from a digital control channel transmitted by a first base station... and; receiving a second paging frame from the digital control channel transmitted by said first base station," as recited in claim 1, for example.

(B) ALANARA – COL. 1, LINES 20-49

This portion of Alanara includes text from the first three paragraphs of the Background of the Invention Section. Here, Alanara discusses various aspects of an ACC and a DCCH, particularly as relating to one another (i.e., when comparing them).

It is further noted that context for the cited portion is actually provided by Alanara at col. 1, lines 50-54, where it is suggested: "Consequently, it is advantageous for a mobile station to switch from an ACC to a DCCH when there is adequate signal strength to do so."

In considering the cited portion of text as well as the context suggested by the next paragraph, it is clear that this portion of Alanara does not disclose or suggest any element of claim 1.

(C) ALANARA – COL. 3, LINES 62-65

This portion of Alanara states in part that: "The air interface standard is assumed for this invention to include an ACC and a DCCH of a type that was described above..." This mere reference to an air interface standard does not disclose or suggest any element of claim 1.

(D) ALANARA – COL. 2, LINES 48-65

Of all the cited portions of Alanara, this one is the most telling. The cited portion includes the first paragraph of the Summary of the Invention Section and describes a method for practicing the invention of Alanara. The method includes four steps, identified as (a), (b), (c) and (d). Step (d) is the only one that relates to a DCCH, where Alanara states:

(d) tuning the mobile station to at least one other control channel and making a received signal strength measurement from the at least one other control channel. The other control channel may be an ACC of a neighboring cell, a digital control channel (DCCH) of the mobile station's current cell, or a DCCH of a neighboring cell.

Note that here, Alanara discloses measuring a received signal strength from a control channel that may be a DCCH. There is no disclosure or suggestion of "receiving a [] paging frame," as recited in claim 1, for example. Furthermore, there is no disclosure or suggestion of "receiving a first paging frame from a digital control channel transmitted by a first base station... and; receiving a

second paging frame from the digital control channel transmitted by said first base station," as recited in claim 1, for example.

(E) ALANARA – COL. 5, LINES 14-35

This portion of Alanara discusses elements of an exemplary method as depicted by FIGS. 4 and 5. Similar to the first paragraph of the Summary (col. 2, lines 48-65; Section (F) above), at col. 5, lines 27-31 state: "At Block 46 the controller 18 determines if all neighbor channels have been measured. These channels may include the analog control channels of adjacent cells, the DCCH of the serving cell (if present), and also DCCHs of adjacent cells (if present)." While the method may involve the use of a timer, there is no disclosure or suggestion of "receiving a [] paging frame," as recited in claim 1, for example. Furthermore, there is no disclosure or suggestion of "receiving a first paging frame from a digital control channel transmitted by a first base station... and; receiving a second paging frame from the digital control channel transmitted by said first base station," as recited in claim 1, for example.

(F) ALANARA – COL. 6, LINES 1-25

This portion of Alanara further discusses various aspects of the channel measurements. There is no disclosure or suggestion of "receiving a [] paging frame," as recited in claim 1, for example. Furthermore, there is no disclosure or suggestion of "receiving a first paging frame from a digital control channel transmitted by a first base station... and; receiving a second paging frame from the digital control channel transmitted by said first base station," as recited in claim 1, for example.

(G) CONCLUSION

Based on the above explanations and arguments, it is clear that Alanara cannot be seen to anticipate claim 1 of the instant application at least due to the fact that Alanara does not disclose or suggest "receiving a first paging frame from a digital control channel transmitted by a first base station... and; receiving a second paging frame from the digital control channel transmitted by said first base station," as recited in claim 1, for example. The features recited in claim 1 are not disclosed or suggested in the cited art. Alanara certainly does not anticipate claim 1. Therefore, claim 1 is patentable and should be allowed.

Though dependent claims 2 and 4-8 contain their own allowable subject matter, these claims should at least be allowable due to their dependence from allowable claim 1.

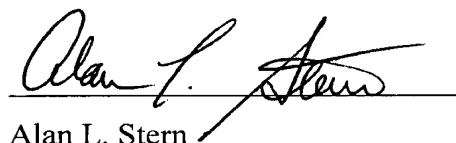
Independent claims 9, 17, 24, 32 and 36 recite similar features as claim 1, including: "A method of evaluating a base station without missing a digital control channel paging frame, comprising: initiating a timing sequence after receiving a first paging frame from a digital control channel transmitted by a first base station; ...and; receiving a second paging frame from said digital control channel transmitted by the first base station" (claim 9); "A system of wireless base station and mobile station communication, comprising: ...a mobile station...; wherein said mobile station is adapted to respond to a receipt of a first digital control channel paging frame from said first base station to trigger evaluation of said second base station based at least on transmitted system parameters of said second base station without missing a next digital control channel paging frame that is transmitted from said first base station" (claim 17); "A mobile station, comprising: ...a logic control assembly that comprises a guard timer used to control operation of said transceiver unit to scan for transmitted parameters of at least one base station under evaluation without missing digital control channel paging frames transmitted from a registered base station to said mobile station..." (claim 24); "An integrated circuit, comprising: control circuitry... said predetermined period of time being dependent on at least an amount of time required to switch the radio frequency receiver from receiving a digital control channel paging frame transmitted by a second base station to receiving the system parameter-containing

transmission transmitted by said first base station under evaluation, and to switch back to receive a next digital control channel paging frame transmitted by said second base station" (claim 32); and "A computer program product embodied in a tangible memory medium and comprising instructions the execution of which by a data processor result in operations that comprise controlling operation of a radio frequency receiver... said predetermined period of time being dependent on at least an amount of time required to switch the radio frequency receiver from receiving a digital control channel paging frame transmitted by a second base station to receiving the system parameter-containing transmission transmitted by said first base station under evaluation, and to switch back to receive a next digital control channel paging frame transmitted by said second base station; and evaluating parameters received from the first base station" (claim 36). For the same reasons stated above with respect to claim 1, independent claims 9, 17, 24, 32 and 36 are not anticipated by Alanara. Therefore, 9, 17, 24, 32 and 36 are patentable and should be allowed.

Though dependent claims 10, 12-16, 21-23, 25-29, 31, 33-35 and 37-39 contain their own allowable subject matter, these claims should at least be allowable due to their dependence from allowable independent claims 9, 17, 24, 32 and 36.

The Examiner is respectfully requested to reconsider and remove the rejections of claims 1, 2, 4-10, 12-17, 21-29 and 31-39 under 35 U.S.C. §102(e) and to allow all of the pending claims 1, 2, 4-10, 12-17, 21-29 and 31-39 as now presented for examination. For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record. Should any unresolved issue remain, the Examiner is invited to call Applicant's agent at the telephone number indicated below.

Respectfully submitted:


Alan L. Stern

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Reg. No.: 59,071

S.N.: 09/290,090
Art Unit: 2617



Customer No.: 29683

HARRINGTON & SMITH, PC
4 Research Drive
Shelton, CT 06484-6212

Telephone: (203) 925-9400
Facsimile: (203) 944-0245
E-mail: astern@hspatent.com

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